

other grounds by Douglass v. U.S. Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996)). Any portions of the Magistrate Judge's findings or recommendations that were not objected to are reviewed for clear error. *Wilson*, 864 F.2d at 1221.

I. Smith's Objections

Smith objects to the Magistrate Judge's recommendation that all claims brought against Guadalupe County be dismissed. Dkt. No. 19. The Court has conducted an independent review of the record and applicable law as to the matters raised in Smith's objections. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Court finds the Magistrate Judge correctly determined that Smith fails to sufficiently plead claims against Guadalupe County based on (1) municipal liability under Section 1983 and (2) disability discrimination under the ADA and Rehabilitation Act.

II. Individual Defendants' Objections

The individual defendants object to the Magistrate Judge's recommendation that Defendants' motion to dismiss be denied as to (1) Fourth Amendment excessive force claims against Saenz and Gonzalez, (2) Fourth Amendment malicious prosecution claims against Saenz and Locker, and (3) Fourth Amendment false arrest claims against Saenz and Locker. *See* Dkt. No. 20.

After de novo review, the Court rejects Defendants' objections and agrees with the Magistrate Judge. With regard to the malicious prosecution claim, the allegations in the pleading meet the requisite elements. The claim arose on August 11, 2022 when the underlying criminal prosecution ended without a conviction. *See* Dkt. No. 7, p. 18.

Accordingly, the Court **ACCEPTS** the Magistrate Judge's recommendation (Dkt. No. 18). For the reasons stated in the recommendation, Defendants' Motion to Dismiss (Dkt. No. 8) is **GRANTED** as to Smith's claims against Guadalupe County; **GRANTED** as to Smith's Fourth

Amendment excessive force claim against Locker; and otherwise **DENIED**. All claims asserted against Guadalupe County are **DISMISSED**.

It is so **ORDERED**.

SIGNED this 25 day of March, 2024.



ORLANDO L. GARCIA
United States District Judge